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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BENJAMIN T. HELLER,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04367 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on November 30, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendant Benjamin T. Heller; and

WHEREAS, Benjamin T. Heller died on or about April 24, 2019.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee, and the Estate of Benjamin T. Heller (the “Heller Estate” or “Defendant”), as follows:

1. The Heller Estate is hereby substituted into this action in place of Benjamin T. Heller, deceased, and the Complaint shall be deemed so amended (the “Amended Complaint”).
2. The Clerk of the Court is hereby directed to amend the caption to remove Benjamin T. Heller and substitute the Heller Estate, as reflected on Exhibit A to this Stipulation.
3. Undersigned counsel for the Heller Estate: (i) expressly represent that they have the authority to accept service of the Amended Complaint on behalf of Defendant, (ii) waive service of the summons and the Amended Complaint on behalf of Defendant, and (iii) hereby waive any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendant.
4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 11, 2019
New York, New York

BAKER & HOSTETLER LLP

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Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
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CHAITMAN LLP

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*Attorneys for the Estate of Benjamin T.
Heller*

SO ORDERED:

Dated: **December 11th, 2019**
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

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In re:

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IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04367 (SMB)

Plaintiff,

v.

THE ESTATE OF BENJAMIN T. HELLER,

Defendant.